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GARCIA ALAMILLA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALEXANDRA RASEY-SMITH;  
GORDON GENE MACCANI; and  
JANET MACCANI,

Plaintiffs,

v.

CITY OF LOS ANGELES; CALEB  
GARCIA ALAMILLA; and DOES 2-  
10, inclusive,

Defendants.

Case No. 2:24-cv-03265-MWC-SSC

**DEFENDANT'S ANSWER TO  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT FOR DAMAGES**

**DEMAND FOR JURY TRIAL**

Judge: Hon. Michelle Williams Court

Trial Date: None Set

COMES NOW, Defendant CALEB GARCIA ALAMILLA ("ALAMILLA"),  
answering Plaintiffs' First Amended Complaint for Damages in the above-entitled  
action, and hereby admits, denies, and alleges as follows:

1. In response to paragraph 1 of the First Amended Complaint,  
Defendant admits Plaintiffs are suing various Defendants. Except as admitted  
herein, Defendant denies any remaining allegations for lack of information and  
belief.

**INTRODUCTION**

2. Answering paragraph 2 of the First Amended Complaint, Defendant  
admits Plaintiffs seek damages. Except as admitted herein, Defendant denies any

1 remaining allegations for lack of information and belief.

2 **PARTIES**

3 3. Answering paragraphs 3-6 of the First Amended Complaint, Defendant  
4 admits decedent is Jason Maccani, and that his wife Alexandra Rasey-Smith and  
5 parents Gordon and Janet Maccani are Plaintiffs in this action. Except as admitted  
6 herein, Defendant denies any remaining allegations for lack of information and  
7 belief.

8 4. Answering paragraph 7 of the First Amended Complaint, Defendant  
9 admits the City of Los Angeles is a municipal entity and that it employed Caleb  
10 Garcia Alamilla and other police officers. Except as admitted herein, Defendant  
11 denies any remaining allegations for lack of information and belief.

12 5. Answering paragraphs 8-12 of the First Amended Complaint,  
13 Defendant admits Caleb Garcia Alamilla was an employee of the City, acting under  
14 color of law as a police officer. Except as admitted herein, Defendant denies any  
15 remaining allegations for lack of information and belief.

16 6. Answering paragraphs 13-14 of the First Amended Complaint,  
17 Defendant denies the allegations contained therein for lack of information and  
18 belief.

19 **JURISDICTION AND VENUE**

20 7. Answering paragraphs 15-16 of the First Amended Complaint,  
21 Defendant admits jurisdiction and venue are appropriate. Except as admitted herein,  
22 Defendant denies any remaining allegations for lack of information and belief.

23 **FACTS COMMON TO ALL CLAIMS**

24 8. Answering paragraph 17 of the First Amended Complaint, Defendant  
25 repeats and re-alleges the response to paragraphs 1-16 above.

26 9. Answering paragraphs 18-23 of the First Amended Complaint,  
27 Defendant admits decedent was at East 7<sup>th</sup> and Towne Streets in Los Angeles, and  
28 that he was struck by a gunshot due to a belief of an imminent risk of death or great

1 bodily injury. Defendant asserts that decedent appeared to be wielding a deadly  
2 weapon as he charged forward. Except as admitted herein, Defendant denies any  
3 remaining allegations for lack of information and belief.

4 **FIRST CLAIM FOR RELIEF**

5 10. Answering paragraph 24 of the First Amended Complaint, Defendant  
6 repeats and re-alleges the response to paragraphs 1-23 above.

7 11. Answering paragraphs 25-32 of the First Amended Complaint,  
8 Defendant denies the shooting was unjustified and denies he violated decedent's  
9 constitutional rights. Defendant denies he acted maliciously or that punitive  
10 damages are warranted. Defendant denies any remaining allegations for lack of  
11 information and belief.

12 **SECOND CLAIM FOR RELIEF**

13 12. Answering paragraph 33 of the First Amended Complaint, Defendant  
14 repeats and re-alleges the response to paragraphs 1-32 above.

15 13. Answering paragraphs 34-40 of the First Amended Complaint,  
16 Defendant denies the allegations therein. Defendant specifically denies decedent  
17 was shot more than once, denies that he failed to summon prompt medical care for  
18 decedent, denies that he failed to render aid to him, and denies he acted with malice  
19 or reckless disregard. Defendant denies any remaining allegations for lack of  
20 information and belief.

21 **THIRD CLAIM FOR RELIEF**

22 14. Answering paragraph 41 of the First Amended Complaint, Defendant  
23 repeats and re-alleges the response to paragraphs 1-40 above.

24 15. Answering paragraphs 42-53 of the First Amended Complaint,  
25 Defendant denies he violated Plaintiffs' constitutional rights. Defendant denies that  
26 his actions shocked the conscience and/or that he acted with deliberate indifference.  
27 Defendant denies that punitive damages are warranted against him. Defendant  
28 denies any remaining allegations for lack of information and belief.

**FOURTH CLAIM FOR RELIEF**

16. Answering paragraph 54 of the First Amended Complaint, Defendant repeats and re-alleges the response to paragraphs 1-53 above.

17. Answering paragraphs 55-59 of the First Amended Complaint, Defendant denies that he acted unreasonably and/or without justification. Defendant denies he acted with malice or conscious disregard. Defendant denies that punitive damages are warranted against him. Defendant denies any remaining allegations for lack of information and belief.

**FIFTH CLAIM FOR RELIEF**

18. Answering paragraph 60 of the First Amended Complaint, Defendant repeats and re-alleges the response to paragraphs 1-59 above.

19. Answering paragraph 61-64 of the First Amended Complaint, Defendant denies he acted negligently or recklessly. Defendant denies any remaining allegations for lack of information and belief.

**SIXTH CLAIM FOR RELIEF**

20. Answering paragraph 65 of the First Amended Complaint, Defendant repeats and re-alleges the response to paragraphs 1-64 above.

21. Answering paragraphs 66-78 of the First Amended Complaint, Defendant denies he used excessive or unreasonable force. Defendant denies decedent did not pose an imminent threat of death or great bodily injury. Defendant denies he violated decedent's rights. Defendant denies he acted with malice or conscious disregard. Defendant denies that punitive damages are warranted against him. Defendant denies any remaining allegations for lack of information and belief.

**PRAYER FOR RELIEF**

22. Answering the Plaintiffs' Prayer for Relief, Defendant denies that Plaintiffs are entitled to any of the relief sought.

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1 **AFFIRMATIVE DEFENSES**

2 As separate and distinct affirmative defenses, Defendant alleges each of the  
3 following:

4 **FIRST AFFIRMATIVE DEFENSE**

5 Plaintiffs' First Amended Complaint and each cause of action fails to state a  
6 valid cause of action or basis for recovery.

7 **SECOND AFFIRMATIVE DEFENSE**

8 The damages alleged were directly and proximately caused and contributed to  
9 by the negligence of decedent, and the extent of damages sustained, if any, should  
10 be reduced in proportion to the amount of said negligence.

11 **THIRD AFFIRMATIVE DEFENSE**

12 The damages alleged were directly and proximately caused and contributed to  
13 by the negligence of other persons, and the extent of damages sustained, if any,  
14 should be reduced in proportion to the amount of said negligence.

15 **FOURTH AFFIRMATIVE DEFENSE**

16 As to the federal claims and theories of recovery, Defendant is protected from  
17 liability under the doctrine of qualified immunity.

18 **FIFTH AFFIRMATIVE DEFENSE**

19 Plaintiffs have failed to mitigate their damages.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 The action is barred for lack of standing to sue.

22 **SEVENTH AFFIRMATIVE DEFENSE**

23 The state law claims alleged by Plaintiffs are barred for failure to comply with  
24 the claim provisions of the California Tort Claims Act (Govt. Code section 910, et  
25 seq.) including without limitation, Cal. Govt. Code Sections 901, 905, 905.2, 910,  
26 911.3, 911.4, 945.4, 945.6 and 946.6.

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1 **EIGHTH AFFIRMATIVE DEFENSE**

2 Decedent had actual knowledge of the condition and particular danger  
3 alleged, knew and understood the degree of risk assumed, and voluntarily assumed  
4 such risk.

5 **NINTH AFFIRMATIVE DEFENSE**

6 The action should be abated in that all of the heirs of decedent have not been  
7 joined as parties.

8 **TENTH AFFIRMATIVE DEFENSE**

9 The force used against decedent, if any, was caused and necessitated by the  
10 actions of decedent, and was reasonable and necessary for self-defense and/or the  
11 defense of others.

12 **ELEVENTH AFFIRMATIVE DEFENSE**

13 Defendant is immune from liability under the following California statutes,  
14 each of which is set forth as a separate and distinct affirmative defense: Cal. Gov't  
15 Code 815.2, 818, 820.2, 820.4, and 820.8

16 **DEMAND FOR JURY TRIAL**

17 Defendant hereby demands and requests a trial by jury in this matter.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Defendant GARCIA ALAMILLA prays for judgment as  
20 follows:

- 21 1. That Plaintiffs take nothing by way of this action;  
22 2. That the action be dismissed;

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1           3.     That Defendant be awarded costs of suit;

2           4.     That Defendant be awarded other and further relief as the Court may  
3 deem just and proper.

4 Dated: May 5, 2025

BURKE, WILLIAMS & SORESENSEN, LLP

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By:           /s/ Susan E. Coleman          

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Susan E. Coleman

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Attorneys for Defendant

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CALEB GARCIA ALAMILLA

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